IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY PETITION NO.528 OF 2004

Bombay Ammonia & Chemical Co. Petitioners
vs.
Jaywant Chemicals Pvt.Ltd. Respondents

Mr.C.D.Patel i/by. Mr.C.N.Mehta for the petitioners.

CORAM : ANOOP V. MOHTA,J.

DATED : 17th August, 2007

P.C.

As the respondent-company though served with statutory notice, has not made the payment of amount as claimed and, therefore, the present petition under Section 434 of the Companies Act, 1956.

2. None appeared for the respondent-company and no reply was filed even at the time of admission of the petition. This Court, therefore, on 1.4.2005 admitted the petition and directed for advertisement. Affidavit of publication dated 8.12.2005 is part of the record. The matter is listed under the caption for final hearing. There is no appearance on behalf of the respondent-company till this date. Resultantly, the averments made in the petition as well as in the statutory notice as referred above, remained uncontroverted. The claim is also within limitation.

3. Consequently, the petition is allowed in terms of prayers (a) and (b). However, liberty is granted to the respondent-company to make the payment or settle the matter within two months failing which this order shall remain in operation. No costs.

[ANOOP V. MOHTA,J.]